

REMARKS/ARGUMENTS

The office action of December 3, 2008 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 2, 11, 13, 14, 19-22, 27-33, 43, 44 and 46 remain in this application. Claims 1, 3-10, 12, 18, 23, 34, 35, 45, and 47-51 have been canceled without prejudice or disclaimer. Claims 15-17, 24-26, and 36-42 were previously canceled.

Telephone Interview

Applicant wishes to thank Examiner Kim for the courtesies extended to undersigned during the telephonic interview on May 4, 2009. The below remarks include applicants' statement of substance of interview in accordance with MPEP § 713.04.

Rejection under 35 U.S.C. § 101

Claims 1-14, 18-23, 27-33, 35 and 43-51 stand rejected under 35 U.S.C. § 101 as not being directed to a statutory process. Applicants respectfully traverse this rejection.

Applicant has amended the remaining independent claims 27 and 46 to recite "wherein the steps of allocating the object identifier, allocating the depth tag and defining the outline are performed by a computer or by receiving an input via a pointing device." As agreed during the interview, the claims as amended comply with section 101.

Rejections under 35 U.S.C. §§ 102 and 103

To the extent now canceled claims were rejected in the previous action, notwithstanding the merits of these rejections, the claims have been canceled in an attempt to streamline prosecution.

The two remaining independent claims, 27 and 46, were rejected under 35 USC § 102(e) as being anticipated by U.S. patent 6,370,262 to Kawabata. Applicant has amended claims 27 and 46 to call for the feature of "allocating a depth function including a linear ramp or radial ramp." As agreed during the interview Kawabata does not anticipate such a feature. For at least this reason, claims 27 and 46 are patentably distinct from Kawabata.

The remaining claims depend from one or both of independent claims 27 and 46. None of the other applied art used to reject the claims under 35 USC § 103 in combination with Kawabata cures the above noted deficiency of Kawabata. Thus, the combination of one or more of the applied art with Kawabata, even if proper, does not result in any of claims 2, 11, 13, 14, 19-22, 28-33, 43, and 44. For at least these reasons, the pending claims of the instant application are in condition for allowance.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

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